

The following is a consolidated copy of the Black Creek-Oyster Bay Water Local Service Area Development Cost Charges Bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
841	Black Creek-Oyster Bay Water Local Service Area Development Cost Charges	April 8, 2025	Impose Development Cost Charges for the Black Creek/Oyster Bay Water Local Service Area

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COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 841

A Bylaw to Impose Development Cost Charges for the Black Creek/Oyster Bay Water Local Service Area

WHEREAS under Section 559(2) of the *Local Government Act*, a local government may, by bylaw, impose development cost charges for the purpose of providing funds to assist the local government to pay the capital cost of providing, altering or expanding water facilities to service directly or indirectly, development in respect of which the charges are imposed;

AND WHEREAS Bylaw No. 1557 being "Black Creek/Oyster Bay Water Local Service Area Conversion and Establishment Bylaw, 1993" was adopted by the Regional District Board on the 30th day of January 1995;

AND WHEREAS in setting the development cost charges under this bylaw the Board of the Comox Valley Regional District has considered the following:

- a) future land use patterns and development;
- b) the phasing of works and services within the Black Creek - Oyster Bay Water Local Service Area;
- c) how development designed to result in a low environmental impact may affect the capital costs of infrastructure referred to in section 559(2) and (3) of the *Local Government Act*;
- d) whether the development cost charges under this bylaw are excessive in relation to the capital cost of prevailing standards of service; and
- e) whether the development cost charges under this bylaw will deter development, discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or discourage development designed to result in a low environmental impact in the Water Local Service Area.

NOW THEREFORE the Board of the Comox Valley Regional District, in open meeting assembled, enacts as follows:

PART 1 - CITATION

1. This bylaw may be cited as the "Black Creek-Oyster Bay Water Local Service Area Development Cost Charges Bylaw No. 841, 2024."

PART 2 - SCHEDULE

2. The following schedule is attached to and forms an integral part of this bylaw:
 - a) Schedule A – Development Cost Charge Calculation.

PART 3 - DEFINITIONS

3. In this bylaw the following words have the following meanings:
 - a) "Attached tourist accommodation unit" means a dwelling unit attached to other dwelling units via a shared wall providing temporary accommodation for the travelling public such as, motels, hotels, inns, hostels or resorts;
 - b) "Building permit" means a permit issued by the Regional District or a Participating Municipality, as applicable, authorizing the construction, alteration or extension of a building or structure;
 - c) "Campground" has the same meaning as defined in the Zoning Bylaw;
 - d) "Camping space" means a defined area in a campground intended for the temporary occupation of one recreational vehicle or one or more tents;
 - e) "Carriage house" has the same meaning as defined in the Zoning Bylaw;
 - f) "Commercial" means a building or structure intended to accommodate a commercial use such as, but not limited to, service commercial, office commercial, or other commercial use as permitted under the authority of the Zoning Bylaw, but specifically excludes attached tourist accommodation units and detached tourist accommodation units;

- g) "Comprehensive development" means any development that includes two or more residential uses, non-residential uses or a combination of residential and non-residential uses;
- h) "Detached tourist accommodation unit" means a free-standing dwelling unit providing temporary accommodation for the travelling public such as cabins, lodges, or park model trailers;
- i) "Duplex dwelling" has the same meaning as defined in the Zoning Bylaw;
- j) "Dwelling unit" has the same meaning as defined in the Zoning Bylaw;
- k) "General manager" means any one of the officers of the Comox Valley Regional District, the general manager of engineering services, the senior manager of water/wastewater services, the manager of water services or any person appointed or designated by the general manager to act on behalf of the general manager;
- l) "Gross floor area" has the same meaning as defined in the Zoning Bylaw;
- m) "High density residential" means a building which contains multiple dwelling units accessible via a common hallway or corridor and shared entrance facilities, including apartment buildings and attached tourist accommodation units;
- n) "Industrial / utility" means a building intended to house an industrial operation or utility as permitted under the authority of the Zoning Bylaw;
- o) "Institutional" means a building or structure intended to accommodate an institutional use as permitted under the authority of the Zoning Bylaw;
- p) "Low density residential" means a single detached dwelling, which may contain one additional dwelling unit in the form of an attached secondary suite.

- q) "Medium density residential" means a multi-residential dwelling (except apartments), duplex dwelling, single detached second dwellings and detached tourist accommodation dwelling units with direct access to the outside;
- r) "Multi-residential dwelling" means a building divided into three or more dwelling units , which includes but is not limited to apartment, townhouse, or row house where each unit is occupied or intended to be occupied as the permanent home or residence of one household;
- s) "Regional District" means the Comox Valley Regional District;
- t) "Secondary suite" has the same meaning as defined in the Zoning Bylaw;
- u) "Single detached dwelling" has the same meaning as defined in the Zoning Bylaw;
- v) "Single detached second dwelling" means a second detached, free-standing building or manufactured home containing one dwelling unit used or intended for residential use that is in addition to the first single family residential building or mobile home on the property, and for certainty includes a carriage house, or secondary dwelling but excludes a recreational vehicle or tent;
- w) "Structure" means a construction of any kind, whether fixed to, supported by or sunk into land or water and for certainty includes on-site sewage disposal infrastructure, potable water infrastructure, washroom and shower facilities, administrative offices, maintenance and storage facilities, and other structures that support the development or expansion of a campground;
- x) "Subdivision" has the same meaning as defined in the Zoning Bylaw;
- y) "Tourist accommodation" has the same meaning as defined in the Zoning Bylaw;
- z) "Zoning Bylaw" means the "Rural Comox Valley Zoning Bylaw, No. 520, 2019" as amended or replaced from time to time.

PART 4 - APPLICATION

4. This bylaw applies to all applications for subdivision or issuance of a building permit for parcels of land located within the Black Creek - Oyster Bay Water Local Service Area.

PART 5 - DEVELOPMENT COST CHARGE PAYABLE

5. A person who obtains a building permit or approval of a subdivision must pay the applicable development cost charge under this bylaw to the Regional District at the time of the issuance of the building permit or approval of the subdivision.
6. Without limiting the generality of the above section, every person who obtains approval of a building permit for the construction, alteration or extension of a building that will contain fewer than four (4) dwelling units, to be put to no other use than residential use, must pay the Regional District at the time of the issuance of the building permit.

PART 6 - CALCULATION OF DEVELOPMENT COST CHARGE

7. Development cost charges imposed under this bylaw shall be calculated in accordance with the rates prescribed in Schedule A, and as provided in Parts 6 and 7.
8. Development cost charges payable upon approval of subdivision for single detached dwelling use shall be calculated by multiplying the development cost charge prescribed in Schedule A by the number of parcels being created.
9. Development cost charges payable upon issuance of a building permit shall be calculated by multiplying, as applicable:
 - a) For single detached second dwelling and all other medium density developments, the number of dwelling units by the per unit medium density residential development cost charge specified in Column 3 of the table in Schedule A;

- b) for apartments, attached tourist accommodation dwelling units and other high density developments, the number of dwelling units by the per unit high density residential development cost charge specified in Column 3 of the table in Schedule A;
 - c) for campgrounds, the number of camping spaces by the per unit campground development cost charge specified in Column 3 of the table in Schedule A;
 - d) for a building to be used for a commercial or institutional use, the gross floor area of the building or structure to be constructed by the development cost charge specified in Column 3 of the table in Schedule A;
 - e) for a building to be used for an industrial / utility use, the gross floor area of the building to be constructed by the development cost charge specified in Column 3 of the table in Schedule A.
10. Where land is to be developed for a comprehensive development, the development cost charge shall be calculated separately for each use within the development and the total charge to be paid shall be the sum of the development cost charges for all uses in the development.
11. Where a type of development is not specifically identified in Schedule A, the amount of development cost charges to be paid to the Regional District shall be equal to the development cost charges that are payable for the type of development that in the opinion of the general manager imposes the most similar cost burden on the Black Creek - Oyster Bay Water Local Service Area.

PART 7 - EXCEPTIONS AND EXEMPTIONS

12. A development cost charge is not payable if any of the following apply in relation to a development authorized by a building permit:
- a) the permit authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the construction, alteration or extension exempt from taxation under the *Community Charter* as a place of public worship;

- b) the value of the work authorized by the permit does not exceed \$50,000;
- c) the permit authorizes the construction, alteration or extension of self-contained dwelling units in a building if each unit is no larger in area than 29 square metres and each unit is to be put to no other use other than the residential use in those dwelling units;
- d) if a development cost charge or capital improvement cost charge for the Black Creek - Oyster Bay Water Local Service Area was previously paid for the same development, unless as a result of further development, new capital cost burdens will be imposed on the Regional District.

PART 8 – REPEAL

13. Bylaw No. 2392 being "Black Creek/Oyster Bay Water Local Service Area Development Cost Charges Bylaw 2001" and all amendments thereto, are hereby repealed.

Schedule A
Black Creek/Oyster Bay Water Local Service Area Development Cost Charges
Bylaw No. 841

Calculation of Development Cost Charges Payable

Type of Development	Upon Subdivision Approval	Upon Issue of Building Permit
Low Density Residential	\$10,418 per building lot being created	Not applicable
Medium Density Residential	Not applicable	\$8,185 per unit
High Density Residential	Not applicable	\$7,069 per unit
Campground	Not applicable	\$2,232 per camping space
Commercial	Not applicable	\$33.49 per square metre of gross floor Area
Institutional	Not applicable	\$33.49 per square metre of gross floor area
Industrial / utility	Not applicable	\$16.74 per square metre of gross floor area